

Zoning Text Amendment No: 06-03
Concerning: Creating a new TDR Zone
Draft No. & Date: 1 – 1/20/06
Introduced: January 24, 2006
Public Hearing: 2/28/06; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a new Rural Neighborhood Cluster/TDR zone; and
- generally amending the Rural Density Transfer zone.

By amending the following section to the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9 “AGRICULTURAL ZONES”
Section 59-C-9.4 “Development standards”
Section 59-C-9.5 “Cluster development-Options in Rural Cluster zone and Low
Density Rural Cluster zone”
Section 59-C-9.57 “Special regulations for development in the Rural Neighborhood
Cluster zone”

Add a new section:

Section 59-C-9.575 “Optional method using transferable development rights”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Section 59-C-9.4 Agricultural Zones is amended as follows:

59-C-9.4. Development Standards.

* * *

	<u>RNC-TDR</u>
<u>59-C-9.49. Development Standards – Transferable Development Rights Zones</u>	
<u>(a) Land uses.</u> <u>Uses allowed in the TDR zones are those uses allowed in the following zones:</u>	<u>RNC</u>
<u>The optional method of development may allow more residential uses. See subsection 59-C-9.54.1, chart.</u>	
<u>(b) Development standards – Standard method:</u>	
<u>Density limitations for cluster development (section 59-C-9.57) or MPDU development (section 59-C-9.574), applicable to the following zones, apply to similar development in the standard method TDR zones:</u>	<u>RNC</u>
<u>All other development standards must be in accord with the development standards applicable in the following zones:</u>	<u>RNC</u>
<u>(c) Development standards – Optional method:</u>	
<u>- Maximum density of development (maximum number of dwellings per acre)</u>	<u>1</u>
<u>- All other development standards as specified in the special regulation provisions of section 59-C-1.39.</u>	

59-C-9.57. Special regulations for development in the Rural Neighborhood Cluster Zone.

* * *

59-C-9.574. Optional method development.

* * *

59-C-9.575. Optional method using transferable development rights.

The use of transferable development rights including applicability, general provisions, development approval procedures, and development standards shall be governed by the provisions within Section 59-C-1.39 of this Chapter. Special additional provisions for

use in TDR developments are noted below. The following development standards for the development of a property under the optional method apply to the TDR density shown on the master plan for that area. Where moderately priced dwelling units are included in accordance with the requirements of chapter 25A of this Code, as amended, the MPDU development standards apply. The increase in density must not exceed 22 percent of the TDR density.

<u>TDR Density per Acre Shown on Master Plan</u>	<u>Development Standards and Permitted Residential Uses</u>	
	<u>Without MPDU's</u>	<u>With MPDU's</u>
<u>1</u>	<u>RNC</u>	<u>RNC</u>

<u>TDR Density per Acre Shown on Master Plan</u>	<u>Size of Development</u>	<u>Minimum (Maximum) percentage required</u>		
		<u>One-Family Detached</u>	<u>One-Family Townhouse and Attached</u>	<u>Green Area</u>
<u>1</u>	<u>All sizes</u>	<u>P</u>	<u>P</u>	<u>65-85%</u>

59-C-9.57[5]6. Off-street parking.

Parking must be provided in accordance with the provisions of Division 59-E except as follows: All parking must be located on the same lot as the use with which it is associated.

59-C-9.57[6]7. Site plan review.

Site plan approval is required under the optional method of the Rural Neighborhood Zone as set forth in Division 59-D-3.

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council